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I certify that a copy of the foregoing document to which this certificate is attached was served on the attorney(s) of record for defendant(s) via telefax/ mail/personal delivery on the 27 day of May, 2003

UNITED STATES ATTORNEY  
by Jim Elliott

Chief Judge Coughenour

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MAY 27 2003 PM

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABEL NGOZICHUKWU NNABUE,

Defendant

NO. CR03-011C

GOVERNMENT'S SENTENCING  
MEMORANDUM



CR 03-00011 #00000042

**I. Introduction**

The United States hereby files its Sentencing Memorandum in this case. The United States recommends that the Court follow the recommendation of the United States Probation Office and sentence the defendant to 12 months and one day in prison, followed by a three year term of supervised release.

**II. Factual Background**

In late-2002, defendants ABEL NNABUE and TOBECHI ONWUHARA, who were both living and working in the Dallas, Texas area, arranged to obtain unauthorized Discover credit cards in various names, along with counterfeit Texas driver's licenses necessary to use those credit cards. As later admitted in a statement by ONWUHARA, the scheme began when the defendants met a bartender named "Dave," who recruited ONWUHARA and NNABUE to assist him with credit card scams. In connection with this scheme, "Dave" agreed to email to ONWUHARA and NNABUE various names and other information to be used in selecting unauthorized credit cards. ONWUHARA and

42

1 NNABUE then would review the information and select the "identities" to be used in the  
2 scheme. Dave, in turn, would receive their selections and then send by mail the  
3 unauthorized credit cards and counterfeit drivers' licenses to various hotels to be picked  
4 up by ONWUHARA and NNABUE

5 Attached hereto as Exhibit A is a true and correct copy of one such email  
6 containing various names, addresses, telephone numbers, social security numbers, and  
7 dates of birth for various identities (Bates Stamp Nos. 000036-43). Exhibit A also  
8 includes a reply email (Bates Stamp No. 000035) showing that ONWUHARA had  
9 selected the identities of "Thomas Michael Crowley," "James Alex Weaver," and "Roger  
10 Ricky Reynolds," and NNABUE had chosen "Joseph Francis Galati," "Glen Will  
11 Huckabay" and/or "Earnest George Bodenmiller." These emails were seized by police  
12 incident to the defendants' later arrest on December 12, 2002

13 After arranging to receive these unauthorized credit cards and counterfeit driver's  
14 licenses, NNABUE and ONWUHARA traveled to the Seattle area for the purpose of  
15 using the credit cards. NNABUE had resided in the Seattle area between 1989 and 2001.  
16 Shortly after arriving, on December 12, 2002, NNABUE and ONWUHARA drove to a  
17 Lynnwood branch of the Washington Mutual Bank. ONWUHARA entered the Bank and  
18 requested a \$5,000 cash advance using the unauthorized credit card in the name of Robert  
19 Palmer and a counterfeit Texas driver's license in that same name. NNABUE remained  
20 outside of the bank and served as the getaway driver in a rented Plymouth Neon. When  
21 Bank employees became suspicious of the transaction and called police, NNABUE and  
22 ONWUHARA fled the bank in the Neon driven by NNABUE.

23 The Lynnwood Police immediately gave chase. Attached hereto as Exhibit B is a  
24 true and correct copy of a Lynnwood Police Report fully describing the ensuing police  
25 chase. As noted in the Report, the chase occurred in the middle of the business day  
26 between 11:30 a.m. and noon, on wet roadways, during the height of the Christmas  
27 shopping season. NNABUE first began by evading a uniformed police officer and a  
28 marked police car that had approached the rear of the Neon. Ignoring the police

1 emergency lights and police sirens, the Neon took evasive measures to avoid police cars,  
2 striking sidewalk curbs at least two times during the subsequent pursuit. In the ensuing  
3 chase, defendants ran at least six stop signs, and repeatedly reached speeds of 60 and even  
4 70 miles per hour in 30-mile per hour speed zones. During the chase, defendant  
5 ONWUHARA threw evidence from the window of the car. When police finally pursued  
6 the Neon into a church parking lot, NNABUE was forced to stop and surrendered as he  
7 stepped out of the driver's seat. ONWUHARA, however, fled on foot through the  
8 residential neighborhood. ONWUHARA was captured after Police called in a canine unit  
9 and set up a containment perimeter.

10 Consistent with the emails described above, at the time of the defendants' arrest,  
11 police seized unauthorized credit cards in the names of "Glen Will Huckabay" and  
12 "Earnest George Bodenmiller," along with counterfeit drivers' licenses in those same  
13 names bearing photographs of NNABUE. Police also seized unauthorized credit cards in  
14 the names of "Robert Palmer," "Roger Ricky Reynolds," and "James Alex Weaver,"  
15 along with counterfeit drivers' licenses in those same names bearing photographs of  
16 ONWUHARA.

### 17 III. Guideline Calculations

18 The United States agrees with the United States Sentencing Guidelines (U.S.S.G.)  
19 calculations set forth in the Presentence Report.

#### 20 A. Loss Amount, U.S.S.G. § 2B1.1(b)(1)

21 Contrary to defense counsel's suggestion, the actual and attempted loss amount in  
22 this is between \$5,000 and \$10,000.

23 Here, NNABUE pleaded guilty to attempted bank fraud for assisting  
24 ONWUHARA in using the "James Weaver" credit card to apply for a \$5,000 cash  
25 advance. Under the Commentary to U.S.S.G. § 2B1.1, loss includes the pecuniary harm  
26 that was intended to result from the offense. U.S.S.G. § 2B1.1, Commentary Note  
27 2(A)(11). Therefore, NNABUE should be held responsible for the attempted loss of  
28 \$5,000 with the James Weaver credit card at the Washington Mutual Bank.

1        Additionally, NNABUE possessed unauthorized credit cards in the names of  
 2 Earnest Bodenmiller and Glen Huckabay, for which NNABUE possessed counterfeit  
 3 driver's licenses bearing his photograph. According to the Commentary which  
 4 accompanies U.S.S.G. § 2B1.1, the calculation of loss in credit card cases includes any  
 5 unauthorized charges, but in any event "shall not be less than \$500 per access device."  
 6 U.S.S.G. § 2B1.1, Application Note 2(F). As one Court observed in describing this  
 7 Commentary, "[t]his loss is a presumed loss, setting a floor beneath which neither  
 8 "actual" nor "intended" loss may fall." United States v. Yellowe, 24 F.3d 1110, 1113  
 9 (9th Cir. 1994)(describing earlier version setting \$100 minimum per card). Therefore,  
 10 because no unauthorized charges were made with these cards yet, the loss amount  
 11 associated with the Bodenmiller and Huckabay credit cards should be an additional \$500  
 12 per card.

13                    **B.        Use of Means of Identification to Produce Other**  
 14                    **Means of Identification, U.S.S.G. § 2B1.1(b)(9)(C)(i)**

15        Defendant also errs in contending that the two-point enhancement under U.S.S.G.  
 16 § 2B1.1(b)(9)(C)(i) is not applicable.

17        Section 2B1.1(b)(9)(C)(i) imposes a two-point enhancement when the offense  
 18 "involves" the unauthorized transfer or use of any means of identification to produce any  
 19 other means of identification. Under Application Note 7 to U.S.S.G. § 2B1.1, for the  
 20 purposes of this guideline provision, "means of identification" is defined in 18 U.S.C.  
 21 §1028(d)(4). Section 1029(d)(4)(A), in turn, defines "means of identification" to include  
 22 any name, number, social security number, or date of birth that could be used alone or in  
 23 conjunction with other information to identify a specific person.

24        Here, the defendants received by email from their associate a list of credit card  
 25 holders' names, addresses, telephone numbers, date of birth, and social security numbers  
 26 (Exhibit A, Bates Stamp Nos. 000036-43), from which they selected the credit card  
 27 holders in whose name unauthorized credit cards and counterfeit driver's licenses would  
 28 be produced (Exhibit A, Bates Stamp No. 000035). Thus, the defendants obtained this  
 information about credit card holders, and then used that information to select the credit

1 card holders in whose names unauthorized credit cards and counterfeit driver's licenses  
2 would be produced. They clearly used information constituting a "means of  
3 identification" to produce another means of identification

4 **C. Minor Role, U.S.S.G. § 3B1.2(b)**

5 Defendant NNABUE mistakenly argues that he is entitled to a sentencing  
6 reduction under U.S.S.G. § 3B1.2 as a minor or minimal participant in criminal activity.

7 Defendant NNABUE errs because the United States did not charge NNABUE in a  
8 larger scheme involving \$86,000 in losses, as it did in ONWUHARA's case. The  
9 Government purposely charged NNABUE with only one transaction at the Washington  
10 Mutual Bank in Lynnwood involving an attempted loss of just \$5,000. As to that  
11 transaction, NNABUE was an active participant. The evidence shows that NNABUE and  
12 ONWUHARA both arranged to obtain the fraudulent credit cards and counterfeit  
13 driver's licenses with their photos. Both defendants had more than one fraudulent credit  
14 card and driver's license in their possession when arrested. Likewise, both defendants  
15 traveled from Texas to Seattle together for the purposes of using those cards. Indeed,  
16 ONWUHARA had never resided in the Seattle areas; only NNABUE had lived in this  
17 area. Naturally, NNABUE remained in the car to serve as the getaway driver, since the  
18 counterfeit Texas driver's license used at the bank bore only ONWUHARA's photograph.  
19 While both NNABUE and ONWUHARA played different roles in this particular  
20 transaction, the foregoing evidence shows that both defendants intended to participate  
21 together in the use of these fraudulent credit cards. Under these circumstances,  
22 NNABUE did not have a minor or minimal role. See United States v. Hursh, 217 F.3d  
23 761, 770 (9th Cir.2000)(upholding district court's denial of a minimal or minor role  
24 adjustment based on "mere courier" status in drug transaction).

**D. Reckless Endangerment During Flight, U.S.S.G. § 3C1.2**

Defendant also deserves the two-point enhancement for reckless endangerment during flight under U.S.S.G. § 3C1.2.

Section 3C1.2 of the Sentencing Guidelines provides that the District Court may adjust a defendant's sentence upward two levels "[i]f the defendant recklessly created a substantial risk of death or serious bodily injury to another person in the course of fleeing from a law enforcement officer...." U.S.S.G. 3C1.2. Under this section, a defendant is expressly made responsible "for his own conduct and for conduct that he aided or abetted, counseled, commanded, induced, procured, or willfully caused." U.S.S.G. 3C1 2, Application Note 5

As shown in the Lynnwood Police Report attached as Exhibit B, defendants NNABUE fled the Washington Mutual Bank with extreme recklessness, placing themselves, the police, and the public at extreme risk. NNABUE repeatedly drove at 60 and 70 miles per hour in a 30 mile per hours speed zone. He ran at least six stop signs and repeatedly struck the curb, at one point damaging the rim cover of the rented Neon. He engaged in this conduct while being pursued by uniformed police officers in at least three police cars with emergency lights and sirens, while other police officers were forced to stop the traffic sharing the road.

Such a dangerous, high speed car chase is precisely the kind of behavior that warrants an enhancement for reckless endangerment during flight. In United States v Luna, 21 F 3d 874 (9th Cir.1994), for example, the Court held that the enhancement applied where the suspect bank robbers ran three stop signs, refused police attempts to pull over their car, and then abandoned the running car, fleeing on foot Id. at 885. In fact, courts generally have held that such speeding itself qualifies as the type of reckless behavior endangerment that warrants the enhancement in § 3C1.2. See United States v. Jimenez, 323 F.3d 320, 324 (5th Cir 2003)(enhancement applied where the defendant "engaged the officers in a vehicle pursuit, traveling at a high rate of speed [at night] through business and residential areas . . . brought the car to a stop, exited, and

1 began running away"); United States v. Velasquez, 67 F.3d 650, 654 (7th Cir.  
 2 1995)(enhancement applied where defendant "fled the scene at a high rate of speed (one  
 3 officer had to drive between sixty and seventy miles per hour to catch up) through  
 4 residential neighborhoods"); United States v. Chandler, 12 F.3d 1427, 1433 (7th  
 5 Cir.1994)(traveling between 35 and 50 miles per hour through a residential area and  
 6 swerving warranted the two-level enhancement), cited with approval in Luna supra.

#### 7 **E. Overstated Criminal History, U.S.S.G. § 4A1.3**

8 The Probation Office has recommended a departure under U.S.S.G. § 4A1.3 from  
 9 a Category III Criminal History to a Category II Criminal History. The applicable  
 10 guideline range would thereby be reduced from 15 to 21 months to 12 to 18 months The  
 11 United States agrees with that recommendation for the reasons stated in the Presentence  
 12 Report.

13 No further reduction to a Category I Criminal History is appropriate, however.  
 14 Category I Criminal History is reserved for those defendants with minimal or no criminal  
 15 history and little or no likelihood of recidivism. See U.S.S.G. § 4A1.3, Background  
 16 Commentary. In contrast, defendant NNABUE has been a repeated violator of the  
 17 driving laws, who currently has *three* violations for driving without a license, a negligent  
 18 driving conviction, and a conviction for supplying liquor to minors. Moreover,  
 19 NNABUE's conduct in the instant case involves yet another driving violation for which  
 20 he was never prosecuted, that is, reckless driving that placed the public at substantial risk.  
 21 Additionally, the instant case involves the use and attempted use of unauthorized credit  
 22 cards, an offense that is easy to commit and therefore often involves recidivism. In view  
 23 of this history, and because Criminal History Category I is appropriate for offenders with  
 24 the "lowest risk of recidivism," U.S.S.G. § 4A1.3, defendant should receive a departure  
 25 only to Category II.  
 26  
 27  
 28

1 **IV. Sentencing Recommendation**

2 The United States recommends that the Court sentence defendant NNABUE to 12  
3 months and one day in prison, as recommended in the Presentence Report

4 While this sentence is the same sentence received by ONWUHARA whose loss  
5 amount was higher, NNABUE started out with a more significant criminal history than  
6 ONWUHARA. Indeed, ONWUHARA had no prior criminal history points. Moreover,  
7 unlike ONWUHARA, NNABUE qualifies for the two-point enhancement for reckless  
8 endangerment during flight because he was the driver of the Plymouth Neon that engaged  
9 in the dangerous, high speed police chase.

10 Taking all of these facts into consideration, the Court should sentence defendant to  
11 12 months and one day in prison, followed by three years of supervised release.

12 DATED this 27<sup>th</sup> day of May, 2003.  
13

14 Respectfully submitted,  
15 JOHN McKAY  
16 United States Attorney

17   
18 LAWRENCE LINCOLN  
19 Assistant United States Attorney  
20  
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27  
28



# EXHIBIT A



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joseph francis galati /or glen will buckabay (my boy)

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Ex H. A.

000035

ROBERT BROWN  
503-630-6931  
POBOX 1624  
ESTACADA OR 970231624

521-82-2436

HILTON

1943/06/01

MARK PRELLBERG  
816-505-34-31  
PO BOX 33355  
RIVERSIDE MO 641683355

352-46-4947

RONK

1952/10/01

LEE A GERHARDSTEIN  
614-891-2667  
6265 CHAR-MAR DR  
WESTERVILLE OH 430829019

301-58-5237

DASALLO

1956/04/28

DONALD M DECAMARA  
330-656-1039  
1903 HAYMARKETWAY  
216-831-6601  
HUDSON OH 442364645

144-50-9738

mcgoohan

1954/02/09

HARBACH F EDWIN  
513-791-0652  
27 HERITAGEET  
513-381-6900  
CINCINNATI OH 452413261

298-52-5764

CALMES

1954/01/17

JOHN M KUYKENDALL  
407-629-4721  
591 DOMMERIEH DR  
MAITLAND FL 327514502

265-33-2417

WILLIAMS  
1957/01/01

JOHN P MONAGHAN  
419-882-3687  
6132 ROCKDALE LN  
419-885-4125  
SYLVANIA OH 435603643

270-58-1919

OTT

1965/04/01

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This message is not flagged [ Flag Message - Mark as Unread ]

From: "ceelow" &lt;VANDERRICK@YEAYEA.COM&gt; | This is Spam | Add to Address Book

To: ADNANNN001@YAHOO.COM

Subject: [no subject]

Date: Tue, 10 Dec 2002 20 07 25 -0600

DAVID W LITTLE

342-16-6778

812-336-1951

3303 BROWNCLIFF LN

1922/10/01

BLOOMINGTON IN 47408155

SMALL

EDWARD DEAN PORTER

271-28-6612

740-544-5842

2853 TWP HWY 249

1929/09/08

TORONTO OH 43964

FLAISR

STANLEY S PALAGY1

297-42-3576

440-593-3628

4140 LAKE RD

CONNEAUT OH 440302942

1946/12/29

PUTICK1

EDWARD E HALL

294-74-6871

216-441-4136

13204 REXWOOD AVE 7

HALL

TOLEDO OH 436061209

1977/07/01

MARK D ENGFER

271-84-0426

419-536-2173

3318 E. LINCOLNSHIRE EL/D

WHALE

TOLEDO OH 436061209

1970/09/01

EDMUND L SIMON

273-78-4945

508-460-8175

11 ALALON DR APT 12

1975/12/01

MARLBOROUGH MA 01752354

GOLEMBA

JOHN R FAHRMEIER

800-24-0000

513-233-9794

8383 WYCLIFTE DR

ALLEN

513-579-5000

CINCINNATI OH 45244259

1966/03/01

ROBERT M WHITE

352-38-4477

305-745-2517

805 EAST SHORE DR

BARAGREE

SUMMERLAND KEY FL 33042-510

1949/03/01

DAN SWANSON

088-38-4990

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401-726-3434  
1A TIMBERWOLF DR  
CUMBERLAND PI 02861-6439

MMN MURPHY  
DOB 1949/02/01

GENE C FEITH  
821-689-5330  
638 S COUNTY RD  
821-696-4040  
HOLTON IN 47023

SSN 195-12-1155 PH

MMN HEID PH

DOB 1935/05/01

TED N CATRANIS  
251-666-4209  
1114 JOGJWAY 90 DR  
MOBILE AL 36692-4321

SSN 422-04-5894 PH

MMN KORDOMEN PH 334-393-1300

DOB 1962/12/01

RODERVICK P CHAPMAN  
21 HIGHLAND AVE  
207-866-2121  
NEWPORT ME 04953-1226

SSN 005-80-0112 PH 207-468-2091

MMN GAGNON PH

DOB 1973/05/01

RICK D SIMLAK  
703-266-1160  
6415 SPRING HOUSE CIR  
CLIFTON VA 20124-2457

SSN 492-70-7080 PH

MMN HANKINS

DOB 1954/03/01

VEN L SMALL  
451-575-2262  
7503 NW 124TH AVE  
PARKLAND FL 33076-1111

SSN 012-54-6103 PH

MMN SHAPIRO

PH 509-651-7400

DOB 1954/03/01

HAROLD SUPERSTEIN  
7551 PATRICK EDWARD DR  
HENDERSON NV 89051-4916

SSN 348-20-7010 PH 702-610-1001

MMN DAVIS

DOB 1929/01/01

JENNIS BRUCE P  
773-645-9971  
420 BRIGHTON CREST  
ROQUELLE LA 30075-6114

SSN 027-54-5313 PH

MMN NOTTA

DOB 1967/03/18

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000038

RICHARD G MILEWSKI  
159-28-6024 PH 609-927-0223  
7241 FERWOOD AVE  
GEGOWSKI  
EGG HARBOR TOWNSHIP NJ 08234-1306 DOB 1934/04/01

ROBERT EWALD C  
248-474-7172 SSN 168-46-2078  
35251 BRAXTON CT MMN WILLIAMS  
313-248-1895  
FARMINGTONHILL MI 48335-1306 DOB 1956/11/01

ROS R JOLLY ID/CC. SSN 247-02-8587 PH  
603-799-5224  
2340 PARK ST MMN POLK  
COLUMBIA SC 29201-1852 DOB 1952/06/01  
(ALT ADD)  
625 WATER MAPK  
COLUMBIA SC 29210

POBERT W GAYLE SSN 223-78-6089 PH 863-665-2206  
PO BOX 6974 DOB 1952/06/01 PH  
563-242-0745  
LAKELAND FL 33807 MMN AUDELE

THEODORE B EARNES SSN 375-38-8394 PH 734-996-9423  
3293 PARKRIDGE MMN MARIE PH  
734-665-7555  
ANN ARBOR MI 48103-1712 DOB 1941/09/01

WILLIAM O REDL SSN 538-32-1428 PH  
425-392-2386  
PO BOX 1556 WILLIAMS  
ISSAQUAH WA 98027-0062 DOB 1943/12/01

MARK A OSLAND SSN 501-92-8401 PH 701-780-3822  
21 7TH AVE SE MMN KARLSON  
MAYVILLE ND 58257-1511 DOB 1961/03/01

JAMES MAMMOCK SSN 254-94-8669 PH 478-946-3419  
633 BREWER RD MMN BOYT PH 478-453-7575  
IRWINTON GA 31042-2440 DOB 1955/01/01

ROBERT BERGRON SSN 343-19-5030 PH 337-365-1102  
4105 PRATT DR MMN BONIN PH 504-581-5454  
NEWIBERIA LA 70563-334 DOB 1964/09/01

TOBERT G SHELBY SSN 423-60-2857 PH 205-669-6626  
PO BOX 545 DOB 1945/05/01  
WILSOVILLE AL 35180-0545 MMN DARMON

RICHARD B LONG SSN 214-94-0627 PH  
703-397-0943  
1260 WEATHERSTONE CT DOB 1968/09/01  
RESTON VA 20194-1347 MMN BAYH

POBERT RONDEAU SSN 038-32-3155 PH

1716 DEACONWAY  
PH 202-464-1000  
ANNAPOLIS ( ) FIND ST BUY ZIP  
214015872 ZIP

DOB 1961/12/01

DOUGLAS C FORSYTH  
PH  
206-542-5440  
3927 PLEASANTBEACH DR  
PH  
206-286-8584  
BAINBRIDGE ISLAND WA  
98100 ZIP

DOB 1959/03/27

GORDON SHAW  
335-30-5657  
PH 202-342-3103  
2310 VIRGINIA AVE NW  
PH  
202-342-3103  
#307 N  
DOB  
1937, 06/01  
WASHINGTON DC 2003711914

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DAVID M HASEL  
PH  
415-782-1610  
217 SEITHEP ST  
PH  
415-784-73  
OFFICE F 04  
4151-336 ZIP

SSN 270-70-7311

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GEORGE LAM  
PH  
510-336-8000  
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510-266-0871  
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JAMES C CHAPMAN  
4403560743

SSN 225-74-3374

20695 BEACONSFIELD BLVD MMN CEBLTON PH 440-616-  
ROCKY RIVER OH 441161307 DCB 1951/01/01

BRIAN W FIALKO  
PH 216-781-4300

SSN 287-44-5892

1422 EUCLID AVE  
PH 216-781-4300

MMN KAISER

SUITE 1104  
CLEVELAND OH 441152063

DOB 1951/01/01

LEO J CLARK  
PH

SSN 155-40-0001

419-531-0186

34 EXMOOR

TOLEDO OH 436174

MMN KERSHAW  
DOB 1944/05/26

DAVID J ASKEW  
PH

SSN 372-68-7134

734-449-4355

10657 SWALLOWTAIL CT

MMN DODGETT PH

313-390-7398

SOUTH LYON MI 481789544

DOB 1957/01/01

JERZY M WITEK

SSN

134-76-2992 PH 718-261-0939

6921 NANSEN ST

MMN D21

PH 212-734-2130

FOREST HILLS (?) FIND STATE W/ZIP DOB 1960/08/01

113755736 ZIP

PETER S MCCHESENEY JR  
410-249-1330

SSN 578-90-3546 I

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6770 MAYFIELD ROAD MMN WANDA PH 440-282-1711  
CLEVELAND OH 441242299 DOB 1945/08/07

THEODOR E DANIELSON SSN 163-34-69-46 PH 248-352-57-12  
28539 TRAVISTOCK TRL MMN BUNDY PH 248-594-4611  
SOUTHFIELD MI 480345187 1943/08/01

STEVEN SINGLETARY SSN 436-37-4250 PH 985-863-8877  
70461 ARCHIE RD MMN SEAL PH  
504-279-5446  
PEARL RIVER LA 704522411 DOB 1963/05/01

ANTE RADAN SSN 295-72-2372  
PH

440-975-8640  
2405 JESSICA COVE DOB 1956/02/01 PH  
440946-9470  
WILLOUGHBY OH 44094-8045 MMN RADAN

RENQIU R YANG SSN 206-66-6756 PH  
610-539-2092  
7011 WINDSWEEP LN DOB 1962/11/01 PH  
610-669-5397  
NORRISTOWN PH 19403-1397 MMN JENNY

JERRY MCANALLY SSN 411-13-0079 PH  
770-737-5086  
142 LULA PAYNE TRAIL MMN MCDONALD PH 770-795-1061  
GAIL GROUND GA 30107-5032 DOB 1961/02/01

PERRY FRIEDMAN SSN 287-40-0386 PH  
216-595-6911  
PO BOX 22520 DOB 1947/05/01  
PH

216-5956911  
BEACHWOOD OH 4412-0520 MMN JARROWS  
(ALT ADD)  
450 HEMLOCK CIR # CL  
BEACHWOOD OH 44122  
(ALT ADD 2)  
1682 SAND LILLY DR  
GOLDEN CO 80401

JOHN J GPISIK SSN 300-42-6596 PH  
330-656-1007  
462 ROCKWOOD CIRCLE MMN MIERCWA PH 330-3742024  
PENINSULA OH 44264-9537 DOB 1946/12/05  
ERNEST E BODENMILLER SSN 382-46-2088 PH 734-697-9546  
43280 EEMIS MMN TAYLOR PH  
734-484-8458  
BELLEVILLE MI 4811-9166 DOB 1947/01/01

ROGER R REYNOLDS SSN 403-82-5430 PH  
614-868-1093  
10040 BERKSHIRE ST MMN COLLINS PH  
614-868-1093  
PICKERINGTON OH 43147-8794 DOB 1956/06/29

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216-226-3515

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CLEVELAND OH 4410605

DOB 1933/02/27

PAUL MERRIMAN - called back 12/13/02

5210 KEYSTON PL NTH

SEATTLE WA 9810364

DOB 1943/10/01

SSN 533-42-7891

PH 206-295-8977

MMN AIWOOD

PH 800-423-4693

LOUIS GONZALES

301-261-4705

127ST GEORGE BARBERD

DAVIDSONVILLE MD 2101212

DOB 1951/02/01

SSN 212-54-7386

FH

MMN HUGHES

PH 301-731-6140

THOMAS M CROWLEY

5011 DEER RIDGE DR S

CARMEL IN 460338916

DOB 1960/11/10

SSN 328-58-6510

PH 317-571-1550

MMN OBRIEN

PH 317-574-7320

JOHN G MCLEAN

208-465-0990

5016 E POWER LINE ROAD

NAMPA ID 8368708

DOB 1962/03/01

SSN 518-92-7739

PH

MMN HADJIKOR

PH 208-376-2300

JAMES WEAVER

PO BOX 106 C

LEWISBURG PA 178379566

DOB 1941/03/01

SSN 298-42-9395

PH 570-966-0541

MMN WITMER

TIM N MD

440-13123

SSN 272-40-6103

PH

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# EXHIBIT B



**Lynnwood Police Department**  
**Case #02-10071**

On December 12, 2002 at 1129 hours Lynnwood patrol units responded to a fraud in progress at the Washington Mutual bank located just inside the west doors of the Lynnwood Fred Meyers store (4615 196<sup>th</sup> St. SW). An update was given by dispatch that the suspect was leaving the store via the west doors. I was at the Lynnwood Police Dept. and responded to the call because of my close proximity. As I advised radio that I was responding Off. Jamison reported that he was in the Fred Meyers lot with an employee and began to give updates concerning the location of the suspect. Off. Jamison reported that the suspect(s) were still in the Fred Meyer west parking lot about to exit out onto 48<sup>th</sup> Ave. W. in a gold color vehicle. Off. Miller reported being with the vehicle as I arrived on scene. I observed Off. Jamison in full police uniform walking toward the suspect vehicle a gold Plymouth Neon with Oregon plates. Off. Miller parked his fully marked police vehicle off the right rear quarter panel of the suspect vehicle in order to contact the individuals inside. The gold vehicle started to drive off N/B through the parking lot. Off. Miller paralleled the vehicle and then turned E/B. As he did the suspect vehicle turned W/B and drove by Off. Miller ignoring his emergency vehicle lights that were on.

I was following the vehicle in my semi marked police vehicle and had my vehicles' emergency lights activated. I advised dispatch that I was in pursuit as the vehicle exited onto 48<sup>th</sup> Ave. W. N/B from the parking lots west driveway. Off. Miller had repositioned his vehicle, cantered on 48<sup>th</sup> Ave. W. at 194<sup>th</sup> St. SW with his vehicles emergency lights still on. The suspect vehicle accelerated and swerved hard right to go around the stopped patrol vehicle. As it did the suspect's vehicle right front wheel struck the curb damaging the rim cover. The suspect vehicle continued N/B on 48<sup>th</sup> Ave. W. failing to stop for the stop sign at 194<sup>th</sup> St. SW. The suspect vehicle attempted to make a left turn onto 192<sup>nd</sup> St. SW and ran onto the N/W curb. The suspect vehicle maneuvered off the curb and I followed it W/B on 192<sup>nd</sup> St. SW to 52<sup>nd</sup> Ave. W. at speeds up to 40 mph in a 25 mph zone. Again failing to stop for the stop sign at 52<sup>nd</sup> Ave. W. and 192<sup>nd</sup> St. SW. I had activated all emergency equipment by this time including the siren on my vehicle.

As the vehicle turned N/B onto 52<sup>nd</sup> Ave. W Off. DeGabriele in a fully marked patrol vehicle with lights and siren joined in on the pursuit. It had just stopped raining and the roads were wet, traffic was light and had stopped upon hearing the police sirens. The suspect vehicle failed to stop for the stop sign N/B on 52<sup>nd</sup> Ave. W at 188<sup>th</sup> St. SW. The suspect vehicle increased its speed to 70 mph in a 30 mph zone. There was only one other car in front of the suspect vehicle in the 18400 block. The suspect vehicle slowed down and then passed on that vehicles right side. The suspect vehicle slowed again as it approached Hwy 99 and as it turned onto Hwy 99 it failed to stop for the stop sign before entering the Hwy.

I would classify the traffic flow on Hwy 99 as medium being somewhat heavier than the other surface roads. The suspect vehicle turned E/B onto 180<sup>th</sup> St. SW and

Sgt. Mark Demetruk #412

**EXH. B**



***Lynnwood Police Department***  
**Case # 02-10071**



accelerated to 60 mph in a 30 mph zone, again there was no traffic on 180<sup>th</sup> St. SW. As the suspect vehicle approached 44<sup>th</sup> Ave. W. it slowed down and ran the stop sign as it turned S/B onto 44<sup>th</sup> Ave. W. As I reached 44<sup>th</sup> Ave. W. no other vehicles were present except those stopped on 44<sup>th</sup> Ave. W. at Maple Road due to Officer Brinkman positioning of his vehicle with emergency equipment activated.

The suspect vehicle turned E/B onto Maple Road by turning into the W/B lane and then moving over to the E/B lane. As the suspect vehicle continued E/B, just after 42<sup>nd</sup> Ave. W. I observed the passenger throw items (assorted papers) out of the passengers window striking the 20 mph speed sign. The suspect vehicle continued E/B traveling 40 mph in a 25 mph zone. As the suspect vehicle reached 36<sup>th</sup> Ave. W. it failed to stop for the stop sign and turned left onto 36<sup>th</sup> Ave. W. N/B. There was heavy construction in the area and the suspect vehicle turned W/B into the Korean Emmanuel Church located at 17730<sup>n</sup> 36<sup>th</sup> Ave. W. The suspect vehicle drove to the rear of the church and was forced to stop. The driver exited the vehicle and gave himself up immediately the passenger fled on foot. Containment was set up and K9-5 was requested. The suspect was located in a water retention pond off Maple Road by containment officers. Lynnwood Officer Langdon recovered the paperwork that was tossed out of the vehicle by the passenger.

As I placed the suspected driver into custody he placed a wallet on the back of the gold vehicle. He stated that he wanted the wallet because it was his. I removed a large amount of cash (MAD001) from his right front pants pocket. He also claimed the money to be his. I identified him from a Washington State drivers' license as Abel Unabue 12-17-74. I then verbally advised him of his constitutional rights from memory. The suspect acknowledged his understanding of his constitutional rights and then agreed to talk to me without presence of consul.

Nnabue stated that he just drove a friend to Fred Meyers. He said he went into the store to buy some cigarettes and his friend wanted to get some bump removal for his hair since he just got it cut. Nnabue said he bought his cigarettes and went out to his vehicle that he rented from Thrifty on Pacific Hwy South. Nnabue said he does not know what his friend was doing. Nnabue when asked did not know what his friends name was or where he lived. Nnabue said his friend then came out to the car. After entering the car he saw the police officer coming toward him with his gun drawn, fearing that he was going to be killed he drove away, failing to stop for all police vehicles for that same fear.

I ran a full check on the Plymouth Neon bearing Or. license plates # YYS641. The vehicle returned clear and current to a rental car agency. Nnabue reiterated several times that he rented the vehicle from Thrifty rent a car. Nnabue asked what was going to happen to the vehicle since it needed to be back tonight or they would charge him for

**Sgt. Demetruk #412**



**Lynnwood Police Department**  
**Case # 02-10071**



another day. I told him that I was going to impound the vehicle and petition the court for a search warrant. Nnabue stated in the presence of Officer DeGabriele that he would give me permission to search the vehicle and that I do not need to get a search warrant. I then asked Nnabue "you do not care if I search your car", Nnabue stated "no, go ahead". I then conducted a search of the suspect vehicle removing the following items. From the drivers side front floor board a Samsung cellular telephone (MAD002). From the passenger side floor board two Nokia cellular telephones and assorted recharging plugs (MAD003). I also removed several computer e-mail print out pages from the floorboard (MAD004). From the rear seat I removed a blue gym bag containing assorted clothes and electronic items (MAD005). The rear seat had a pass through with access to the trunk. From the trunk area I removed a white Nordstrom's bag containing men's shirts and ties (MAD006) and a black gym bag containing more clothes, jewelry boxes and telephones (MAD007). I removed a Thrifty and Dollar car rental agreements (MAD010) from the passenger door sleeve. As I was walking back to my patrol vehicle I noticed another computer print out page similar to the ones located in the front of the suspect vehicle. A closer check showed it to be part of the same e-mail printout located in the suspect vehicle. I collected the page (MAD008) containing people's names, addresses, dates of births and social security numbers.

I transported Nnabue to the Lynnwood jail as Off. DeGabriele remained with the vehicle until the tow truck arrived. At the Lynnwood jail a closer look at Nnabue's wallet showed he had a Washington State identification card. The last name on the ID card was spelled "Nnabue" instead of Nnabue like what was printed on his drivers' license. Nnabue stated that this was a DOL error. I also located Discover credit cards in his wallet under different names. One of the wallets recovered at the 20 mph speed sign contained Texas drivers' licenses with Nnabue's picture on them with the names of the people issued the Discover card. I seized the wallet and it's contents (MAD009) as evidence. When I questioned Nnabue about this he just said that the guy on the license looked kind of like him. I stopped questioning Nnabue at this time knowing that CID would be questioning him further concerning the situation. I confiscated Nnabue's Modavo watch and silver color chain necklace (MAD012) and Alexanders' Modavo watch gold color chain and two silver color chains (MAD013) during the booking process, since receipts showed they had just purchased them. Off. DeGabriele turned over to me a pair of tan work boots (MAD014) he located in the black gym bag along with a sprint cell phone and two Samsung cell phones (MAD011).

I had Off. DeGabriele photo copy all items and place them into plastic bags. I entered all items into evidence at Lynnwood P.D. I completed seizure notices on the money, jewelry and cellular telephones confiscated from both Nnabue and his accomplice who unidentified at this time.

**Sgt. Demetruk #412**